



FEMA

FEB 27 2012

SENT VIA E-MAIL TO: 1126-85674658@requests.muckrock.com

Mr. Jason Smathers
MuckRock News

Re: FEMA 12-321

Dear Mr. Smathers:

This acknowledges receipt of your February 24, 2012, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). According to your request, you are seeking all records referencing the five oldest FOIA and Privacy Act requests which are still being processed including the request letters. Specifically, you want any and all remarks, comments, notes, explanations, correspondence, emails and coordination documentation made by FEMA personnel or contractors during the processing of these requests and appeals (if appropriate). You also requested a waiver of all applicable fees. Your request was received in this office on February 27, 2012.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although FEMA's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS/FEMA will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 399 open requests ahead of yours.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 C.F.R. § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **FEMA 12-321**. Please refer to this identifier in any future correspondence. You may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau